Northwest Territories Justice and Public Services

Supreme Court Jury Trial, Pond Inlet, Northwest Territories

COURT SERVICES
1983-84 ANNUAL REPORT

Northwest Territories Justice and Public Services

August, 1984.

MR. STIEN K. LAL,
DEPUTY MINISTER,
DEPARTMENT OF JUSTICE
AND PUBLIC SERVICES.

Court Services - Annual Report

I am pleased to submit to you my annual report for 1983/84.

P H Schauerte

Paul H. Schauerte,
Chief, Court Services.

Three new positions were added to the Court Services Division during the year as follows:

Deputy Sheriff

Justice of the Peace Training Officer

Clerk-Typist, Justice of the Peace Program

At year end, there were thirty-two support staff made up as follows:

Supreme Court	6
Territorial Court (Yellowknife)	6
Territorial Court (Hay River)	4
Sheriff	4
Court Reporters	5
Justice of the Peace and Coroners Program	2-1/2
Court Administration	1-1/2
Court Library	3

One notable change involved combining the Supreme Court Registry and Sheriff's functions under a single administration.

A year-end organization chart (overleaf) reflects the current personnel distribution within Court Services.

For the first time, a seminar was held in Yellowknife for Sheriff's bailiffs. Seven bailiffs attended, and topics such as service of documents, seizures, Courtroom procedure and summoning of jurors were discussed. This seminar has proven very beneficial in that the

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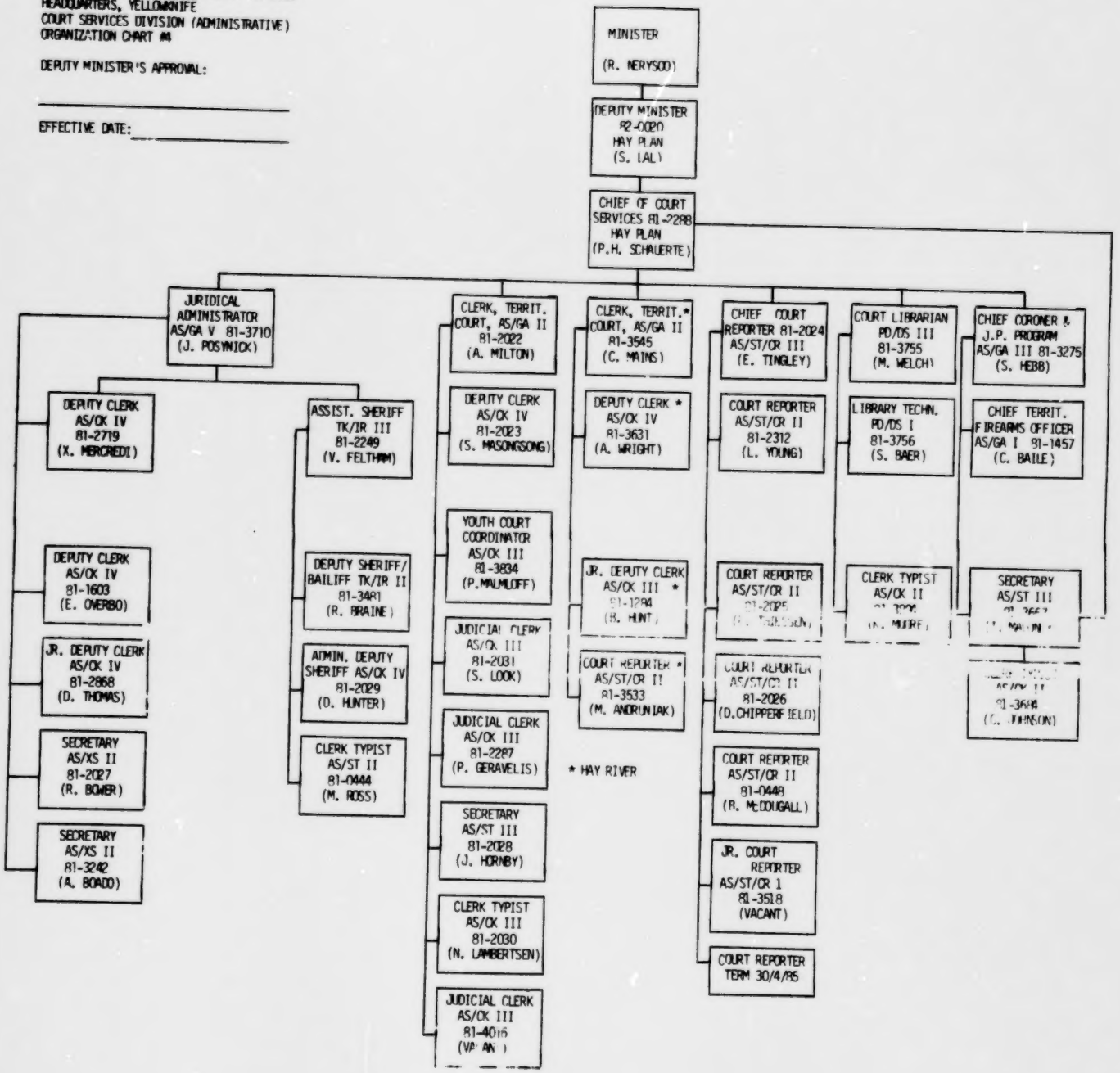
DEPARTMENT OF JUSTICE AND PUBLIC SERVICES
HEADQUARTERS, YELLOWKNIFE
COURT SERVICES DIVISION (ADMINISTRATIVE)
ORGANIZATION CHART #4

DEPUTY MINISTER'S APPROVAL:

_____

EFFECTIVE DATE: _____


MINISTER
(R. NERYSOO)
DEPUTY MINISTER
82-0020
HAY PLAN
(S. LAL)
CHIEF OF COURT SERVICES 81-2288
HAY PLAN
(P.H. SCHAUERTE)
JURIDICAL ADMINISTRATOR AS/GA V 81-3710 (J. POSYNICK)
DEPUTY CLERK AS/CK IV 81-2719 (X. MERCREDI)
DEPUTY CLERK AS/CK IV 81-1603 (E. OVERBO)
JR. DEPUTY CLERK AS/CK IV 81-2868 (D. THOMAS)
SECRETARY AS/XS II 81-2027 (R. BOWER)
SECRETARY AS/XS II 81-3242 (A. BOADO)
ASSIST. SHERIFF TK/IR III 81-2249 (V. FELTHAM)
DEPUTY SHERIFF/ BAILIFF TK/IR II 81-3481 (R. BRAINE)
ADMIN. DEPUTY SHERIFF AS/CK IV 81-2029 (D. HUNTER)
CLERK TYPIST AS/ST II 81-0444 (M. ROSS)
CLERK, TERRIT. COURT, AS/GA II 81-2022 (A. MILTON)
DEPUTY CLERK AS/CK IV 81-2023 (S. MASONGSONG)
YOUTH COURT COORDINATOR AS/CK III 81-3834 (P.MALMLOFF)
JUDICIAL CLERK AS/CK III 81-2031 (S. LOOK)
JUDICIAL CLERK AS/CK III 81-2287 (P. GERAVELIS)
SECRETARY AS/ST III 81-2028 (J. HORNBY)
CLERK TYPIST AS/CK III 81-2030 (N. LAMBERTSEN)
JUDICIAL CLERK AS/CK III 81-4016 (VACANT)
CLERK, TERRIT.* COURT, AS/GA II 81-3545 (C. MAINS)
DEPUTY CLERK * AS/CK IV 81-3631 (A. WRIGHT)
JR. DEPUTY CLERK AS/CK III * 81-1294 (B. HUNT)
COURT REPORTER * AS/ST/CR II 81-3533 (M. ANDRUNIAK)
* HAY RIVER
CHIEF COURT REPORTER 81-2024 AS/ST/CR III (E. TINGLEY)
COURT REPORTER AS/ST/CR II 81-2312 (L. YOUNG)
COURT REPORTER AS/ST/CR II 81-2025 (R. THOMSON)
COURT REPORTER AS/ST/CR II 81-2026 (D.CHIPPERFIELD)
COURT REPORTER AS/ST/CR II 81-0448 (R. McDOUGALL)
JR. COURT REPORTER AS/ST/CR I 81-3518 (VACANT)
COURT REPORTER TERM 30/4/85
COURT LIBRARIAN PD/DS III 81-3755 (M. WELCH)
LIBRARY TECHN. PD/DS I 81-3756 (S. BAER)
CLERK TYPIST AS/CK II 81-3004 (N. MUIR)
CHIEF CORONER & J.P. PROGRAM AS/GA III 81-3275 (S. HEBB)
CHIEF TERRIT. FIREARMS OFFICER AS/GA I 81-1457 (C. BAILE)
SECRETARY AS/ST III 81-2667 (C. MARTIN)
AS/CK II 81-3648 (C. JOHNSON)

quality of work being done by the bailiffs has improved substantially. Hopefully, this will become an annual event.

Statistics for Supreme and Territorial Courts indicate that the overall increase in the caseload is not great. In some areas, the numbers are actually down from previous years. It has been stated by Senior Counsel from the Department of Justice that, notwithstanding the statistical figures, costs continue to rise each year. He went on to say he believes we are now having a greater number of trials requiring more witnesses and greater lengths of stay for those witnesses. This statement is certainly confirmed in figures elsewhere in this report outlining the costs of paying witnesses and jurors.

The Justice Information System is to be a partially-automated system which will streamline several aspects of the Court. Data collection, automated criminal record indexing and case scheduling are some of the features which will improve the quality and delivery of the justice system. The continuation of the system study has been unavoidably delayed, and we still have not started Phase 2 at year end. Hopefully, the difficulties will be overcome so that the system can be completed and implemented as soon as possible.

The total O & M budget (1983/84) for Court Services was $3,239,000, however, by year end we had exceeded that amount by approximately $17,236 ($3,256,236). The total travel budget for the year was $1,089,000 with actual costs being $933,981.

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Since 1980/81, Court costs have shown a general increase. This is illustrated by the following figures:

	Total Court Budget	Actual Expenditures
1980	$1,466,000	$1,890,000
1981	2,296,000	2,830,000
1982/83	2,590,000	2,819,000
1983/84	3,264,000	3,256,236

This year, actual expenditures have increased by over 15% from 1982/83.

Cost of travel, consisting mainly of additional Court circuits, has also increased. 1983/84 saw an increase of actual expenditures of over 17%:

	Budget	Actual Expenditures
1980	$ 370,000	$551,009
1981	523,000	552,000
1982/83	685,000	836,398
1983/84	1,089,000	933,981

Other areas of the Courts have also experienced increase in costs.

Monies paid to witnesses, jurors and interpreters in 1983/84 increased by 22% over the previous year as reflected by the following:

1980	$119,356
1981	168,991
1982/83	227,852
1983/84	278,732

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The above costs for 1983/84 included $97,991 incurred by the R.C.M.P. for transportation of witnesses and interpreters and charged back to the Government of the Northwest Territories.

While the Court is on circuit in the various communities, facilities such as community halls, council chambers, etc., are rented for the purpose of holding Court. the cost of such rentals have increased dramatically in the past three years. This year showed a cost increase of 57% over 1982/83:

1981	$13,076
1982/83	23,960
1983/84	37,729

Psychiatric assessments, as ordered by the Courts, are performed in southern Canada. The cost of such assessments have decreased in recent years:

1980	$70,697
1981	46,368
1982/83	44,652
1983/84	35,576

Over the past several years, Court revenues have generally increased. These revenues include fines and other fees, both Federal and Territorial, paid into the Courts:

1980	$483,262
1981	539,892
1982/83	875,584
1983/84	699,071

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The drop in revenue from 1982/83 to 1983/84 was mainly due to a fine of $150,000 imposed in 1982/83.

Collecting revenues on behalf of various municipalities is still an area of concern. As municipalities initiate by-law enforcement, more charges as processed by the Courts. Hence, Court personnel must collect and distribute these revenues. The following reflect revenues collected on behalf of various municipalities:

1980	$15,996
1981	23,726
1982/83	44,547
1983/84	35,898

The following statistics reflect the caseload of the Supreme Court and Territorial Court for 1983/84:

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SUPREME COURT

	1980	1981	1982/83	1983/84
Criminal Files	182	226	210	248
Civil Files	442	415	581	704
Estate Files	50	31	43	49
Adoption Files	122	84	116	119
Taxation (Costs)	3	4	7	11
TOTAL	799	760	1,059	1,215
Court of Appeal Files				
- Criminal	16	22	43	41
- Civil	9	7	7	4
Divorce Cases Heard	78	80	100	84
Chamber Applications	328	404	508	425
Ex parte Applications	534	456	623	770
Federal Court of Canada	-	-	1	-

Trust Account Monies
Supreme and Territorial Courts

	Receipts	Disbursements
1980	$885,179.06	$874,278.54
1981	662,889.72	632,023.01
1982/83	612,580.29	612,258.62
1983/84	592,562.02	599,315.19

Imprest Account Disbursements
Supreme and Territorial Courts

1980	$66,728.08
1981	51,978.64
1982/83	69,304.14
1983/84	89,207.39

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TERRITORIAL COURT

	1980	1981	1982/83	1983/84
Criminal Cases (Territorial Court Judges)	4,045	4,262	4,651	4,596
Criminal Cases (Justices of the Peace)	3,866	3,193	2,945	2,793
Voluntary Payment Tickets	2,793	2,330	3,030	2,468
TOTAL	10,704	9,785	10,626	10,173

Yellowknife
(includes Delta, Keewatin and Eastern Arctic)

	1980	1981	1982/83	1983/84
Family Court				
- Maintenance	22	37	27	40
- Child Welfare	26	12	41	60
TOTAL	48	49	68	80
Civil Court				
- Small Debts	263	194	123	214
- Statement of Claim	206	160	210	166
TOTAL	469	354	333	380
Applications in Citizenship Court	61	39	52	84

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Hay River
(includes area south of Great Slave Lake)

	1980	1981	1982/83	1983/84
Family Court				
- Maintenance	6	1	9	4
- Child Welfare	21	21	20	13
TOTAL	27	21	29	17
Civil Court				
- Small Debts	57	37	20	58
- Statement of Claim	14	33	54	5
TOTAL	71	70	74	63
Applications in Citizenship Court	8	13	7	9

Juvenile Court

The following figures indicate the total number of juveniles who have been processed through the Court system:

1980/81 - 464

1981/82 - 608

1982/83 - 566

1983/84 - 609

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Revenue (Territorial Courts)

Yellowknife

	Federal	Territorial	Municipal
1980	$165,947.04	$122,266.89	$10,000.34
1981	244,721.24	126,721.65	15,032.50
1982/83	510,192.73	139,059.38	40,987.50
1983/84	334,963.99	155,956.97	30,812.84

Hay River

	Federal	Territorial	Municipal
1980	$108,071.33	$84,030.91	$5,996.00
1981	111,869.10	56,579.99	7,693.00
1982/83	179,774.51	46,556.99	3,559.00
1983/84	151,421.65	41,935.94	5,085.00

Total Revenue

	Federal	Territorial	Municipal	Total
1980	$273,964.37	$206,297.80	$15,996.34	$496,258.51
1981	356,590.34	183,301.64	22,725.50	562,617.48
1982/83	689,967.24	185,616.37	44,546.70	920,130.31
1983/84	486,385.64	212,685.00	35,897.84	723,968.48

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Imprest Monies
(Paid to Witnesses and Interpreters)

	Yellowknife	Hay River
1980	$32,188.17	$20,439.75
1981	49,043.31	15,389.03
1982/83	66,901.12	18,310.41
1983/84	72,522.07	19,010.75

Total Amounts for Territorial Court

1980	$52,627.92
1981	64,432.34
1982/83	85,211.53
1983/84	91,532.83

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SHERIFF

	1980	1981	1982	1983
Processes	596	585	553	674
Writs Files	315	257	353	343
Writ Seizures	99	69	71	87
Distress Seizures	111	88	84	79
Jury Trials	15	14	19	20

Trust Account Monies

	1980	1981	1982	1983/84
Receipts	$79,300.10	$176,988.61	$146,980.01	$233,657.54
Disbursements	78,270.67	176,041.61	145,846.15	230,581.91
Revenue		11,379.99	14,766.78	11,644.30

In 1983, there were 51 jury cancellations due to such things as re-election. This is an increase of 29 cancellations from 1982 (22).

COURT REPORTERS

Of the six court reporters in the Northwest Territories, five are stationed in Yellowknife and one in Hay River.

Aside from the reporters' regular Court duties, they also take Examinations for Discovery, and, as needed, record and transcribe Inquests, Board Hearings and other proceedings.

Because of the ever-increasing caseload before the Courts, it is necessary, on occasion, to hire court reporters from southern Canada

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on a contract basis. In 1983/84, the cost of such contract reporters amounted to $70,221.03. An additional court reporter on staff would not only alleviate the need for much of the contract reporting but also reduce the time members of the Bar and the Courts must wait for transcripts.

COURT LIBRARY

As identified previously, there is still a need for larger library facilities. Due to a lack of space, the new microfiche reader is in storage, and the Quic Law terminal is situated on the 4th floor.

The total number of library users and telephone requests increased in 1983/84 to 2,332 and 351 respectively.

The satellite libraries in Fort Smith, Frobisher Bay and Inuvik were all checked and updated during the year.

The Librarian attended the Canadian Association of Law Libraries Conference in Saskatoon this year. As well, the Library Technician attended the Alberta Association of Library Technicians Conference in Edmonton.

A Quic Law Data Base Workshop was held by the Librarian as part of the Northwest Territories Library Association Conference.

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CORONERS

1983/84 saw an increase of four Coroners over last year resulting in 94 Coroners in the Northwest Territories.

The following statistics illustrate the activity in the Coroners Program:

	1981/82	1982/83	1983/84
Inquiries	70	55	85
Inquests	31	29	12
Suicides	12	9	21

All Coroners were issued with Mr. Justice Marshall's book, "Canadian Law of Inquests", which will, no doubt, assist them greatly in their duties.

The Chief Coroner maintains a professional affiliation in the National Association of Chief Coroners and was in attendance at the annual meeting held in Jasper.

JUSTICES OF THE PEACE

Apart from the Justices of the Peace that work as Clerks in the Territorial and Supreme Courts, there are 102 Justices of the Peace in the Northwest Territories. Of that number, 54 are native.

A Justice of the Peace Training Program was implemented with two additional staff members. Training conferences were held in Inuvik,

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Rankin Inlet, Cambridge Bay and Hay River. It is intended that an annual training conference will be held in each Region. These conferences are essential in order that their judicial duties may be carried out with confidence and competence.

Cases Heard By Justices of the Peace

1980	3,866
1981	3,193
1982	2,945
1983/84	2,793

There was a total of 7,389 cases heard by Territorial Court Judges and Justices of the Peace:

Territorial Court Judges	4,596	62%
Justices of the Peace	2,793	38%

FEDERAL FIREARMS LEGISLATION

The following statistics illustrate the issue of Firearms Acquisition Certificates and Firearms Business Licenses during the past year:

Revenue Producing F.A.C.'s	640
Revenue Producing F.A.C.'s As Replacement	60
Free Sustenance F.A.C.'s	471
Free Sustenance F.A.C.'s As Replacement	68
Firearms Business Licenses	122

The long-awaited amendment to Section 98(1) of the Criminal Code was tabled in the House of Commons this year. It would confer

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on a Court discretion to forego issuing, in appropriate cases, an otherwise mandatory Order prohibiting possession of a firearm.

The Chief Territorial Firearms Officer maintains ongoing communication with the other jurisdictions in Canada. Attendance was also made at the annual meeting of the Provincial/Territorial Firearms Officers.

COMMISSIONERS FOR OATHS AND NOTARIES PUBLIC

In the past year, there were:

Commissioner for Oaths Appointments - New	127
Commissioner for Oaths Appointments - Renewal	153
Notary Public Appointments - New	18
Notary Public Appointments - Renewal	15
Barrister & Solicitor Notary Public Appointments	49